

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Morgan Thomas Terrell

Docket No. 5:12-CR-337-2H

Petition for Action on Supervised Release

COMES NOW Timothy L. Gupton, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Morgan Thomas Terrell, who, upon an earlier plea of guilty to Possession of an Unregistered Firearm, Possession of a Stolen Firearm, and two counts of Aiding and Abetting, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on December 10, 2013, to the custody of the Bureau of Prisons for a term of 30 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Morgan Thomas Terrell was released from custody on November 6, 2015, at which time the term of supervised release commenced. On February 19, 2016, a Violation Report was filed advising of new criminal conduct (felonious Possession of Marijuana and Possession of Drug Paraphernalia). Supervision was continued pending disposition of the charges. Terrell subsequently pled guilty to misdemeanor Possession of Marijuana. Based on the conviction, a Petition for Action was filed on February 13, 2017, and the defendant was ordered to complete 24 hours of community service. Furthermore on April 13, 2016, a Violation Report was filed advising of new criminal conduct (Assault on a Female). The defendant was continued on supervision pending disposition of the charge, which was subsequently dismissed. Lastly, on September 29, 2017, a Violation Report was filed advising of new criminal conduct (Driving While License, felonious Possession of Heroin, and felonious Possession of Cocaine.) Supervision was continued pending disposition of the charges, which are still pending.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On April 3, 2018, the defendant tested positive for marijuana, cocaine, and opiates. When confronted with the positive urinalysis results, Terrell admitted to using marijuana and a Percocet, but denied any cocaine use. Based on his admission of drug use, the defendant was enrolled in the Surprise Urinalysis Program (SUP), and referred for a substance abuse assessment. As a punitive sanction, a 30-day period of Location Monitoring (curfew) is also recommended. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 30 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Michael C. Brittain
Michael C. Brittain
Supervising U.S. Probation Officer

/s/ Timothy L. Gupton
Timothy L. Gupton
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8686
Executed On: April 18, 2018

ORDER OF THE COURT

Considered and ordered this 23rd day of April 2018, and ordered filed and made a part of the records in the above case.

Malcolm J. Howard
Malcolm J. Howard
Senior U.S. District Judge